

AN ACT

ENTITLED, An Act to restrict the rights of certain sex offenders related to adoption or visitation of children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 25-6-4 be amended to read as follows:

25-6-4. No child may be adopted without the consent of the child's parents. However, if it is in the best interest of the child, the court may waive consent from a parent or putative father who:

- (1) Has been convicted of any crime punishable by imprisonment in the penitentiary for a period that, in the opinion of the court, will deprive the child of the parent's companionship for a critical period of time;
- (2) Has, by clear and convincing evidence, abandoned the child for six months or more immediately prior to the filing of the petition;
- (3) Has substantially and continuously or repeatedly neglected the child and refused to give the child necessary parental care and protection;
- (4) Being financially able, has willfully neglected to provide the child with the necessary subsistence, education, or other care necessary for the child's health, morals, or welfare or has neglected to pay for such subsistence, education, or other care if legal custody of the child is lodged with others and such payment ordered by the court;
- (5) Is unfit by reason of habitual abuse of intoxicating liquor or narcotic drugs;
- (6) Has been judicially deprived of the custody of the child, if the adjudication is final on appeal to the court of last resort or the time for an appeal has expired;
- (6A) Has caused the child to be conceived as a result of rape or incest; or
- (7) Does not appear personally or by counsel at the hearing to terminate parental rights after notice pursuant to §§ 25-5A-11 and 25-5A-12 which was received at least thirty days prior

to the hearing.

Section 2. That chapter 25-4A be amended by adding thereto a NEW SECTION to read as follows:

If it is in the best interest of the child, the court may prohibit, revoke, or restrict visitation rights to a child for any person who has caused the child to be conceived as a result of rape or incest.

An Act to restrict the rights of certain sex offenders related to adoption or visitation of children.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1086

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1086

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State